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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,616	09/21/2006	Sotaro Narita	08295.0004	1632
22852	7590	10/23/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER BRAINARD, TIMOTHY A	
			ART UNIT	PAPER NUMBER
			3662	
			MAIL DATE	DELIVERY MODE
			10/23/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,616

Applicant(s)

NARITA ET AL.

Examiner

TIMOTHY A. BRAINARD

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10, 12, 13, 15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10, 12, 13, 15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2) Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sakamoto et al** (US 20050088336) in view of **Volkov et al** (US 6777684) and **Nishiyama et al** (US 2003/0142247). **Sakamoto** teaches a test method for testing a collision prediction or a component thereof by using a testing apparatus comprising mounting a radar on a vehicle (para 27), providing an object spaced away from the radar with a reflective plate (para 12). **Sakamoto** does not teach providing a dummy object with a reflection plate attached to the dummy object; wherein the reflection plate has a first amount of reflection, and the dummy object has a second amount of reflection, and wherein the second amount of reflection is less than the first amount of reflection and the reflection plate is deformable into a plurality of concave/convex portions. **Volkov** teaches providing a dummy object with a reflection plate attached to the dummy object; wherein the reflection plate has a first amount of reflection, and the dummy object has a second amount of reflection, and wherein the second amount of reflection is less than the first amount of reflection (col 1, lines 50-60). It would have been obvious to modify **Sakamoto** to include providing a dummy object with a reflection plate attached to the dummy object; wherein the reflection plate has

a first amount of reflection, and the dummy object has a second amount of reflection, and wherein the second amount of reflection is less than the first amount of reflection because it is one of multiple design choices with no new or unexpected results. **Nishiyama** teaches the reflection plate is deformable into a plurality of concave/convex portions (para 45). It would have been obvious to modify **Sakamoto** the reflection plate is deformable into a plurality of concave/convex portions because it is one of multiple design choices with no new or unexpected results.

- 3) Claims 8-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sakamoto** in view of **Volkov** and **Nishiyama** as applied to claim 18 above, and further in view of Menache (US 2004/0017313). Menache teaches (claim 8) plural reflection plates are provided (fig 1), (claim 9) a drive means for displacing the reflection plate relative to the radar is attached to the dummy object (para 10 and 17), (claim 12) the dummy object is formed into a human (fig 1), (claim 13) the dummy object is covered with a cloth (fig 1). It would have been obvious to modify **Sakamoto** in view of **Volkov** and **Nishiyama** to include plural reflection plates are provided, a drive means for displacing the reflection plate relative to the radar is attached to the dummy object, the dummy object is formed into a human, the dummy object is covered with a cloth because each is one of multiple design choices with no new or unexpected results.
- 4) Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sakamoto** in view of **Volkov** and **Nishiyama** as applied to claim 15 and 18 above, and further in view of **Aksyuk et al** (US 2004024588). **Aksyuk** teaches an area

changing apparatus for changing a reflection area of the reflection plate with time is attached to the dummy object a reflection area of the reflection plate is changed with time (para 19). It would have been obvious to modify **Sakamoto** in view of **Volkov** and **Nishiyama** to include an area changing apparatus for changing a reflection area of the reflection plate with time is attached to the dummy object a reflection area of the reflection plate is changed with time because it is one of multiple design choices with no new or unexpected results.

Response to Arguments

- 5) Applicant's arguments with respect to claims 8-10, 12-13, 15, and 17-18 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TIMOTHY A. BRAINARD** whose telephone number is (571)272-2132. The examiner can normally be reached on Monday - Friday 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571) 272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy A Brainard/

Examiner, Art Unit 3662